

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

| | | |
|--|---|----------------------------------|
| TATI ABU KING, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | Civil Action No. 3:23-cv-408-JAG |
| |) | |
| GLENN YOUNGKIN, in his official capacity |) | |
| as Governor of the Commonwealth of |) | |
| Virginia, et al., |) | |
| |) | |
| Defendants. |) | |

**DEFENDANTS' MOTION TO DISMISS THE COMPLAINT UNDER
FEDERAL RULES OF CIVIL PROCEDURE 12(b)(1) AND 12(b)(6)**

Pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, Glenn Youngkin, Kay Coles James, John O'Bannon, Rosalyn R. Dance, Georgia Alvis-Long, Donald W. Merricks, Matthew Weinstein, Susan Beals, Taylor Yowell, and Shannon Williams (collectively, the Defendants), by counsel, respectfully move this Court to dismiss Plaintiffs' Complaint for lack of jurisdiction and move to dismiss Plaintiffs' Complaint with prejudice for failure to state a claim upon which relief can be granted. In support, the Defendants rely on the Memorandum in Support and accompanying Exhibits filed herewith.

Dated: August 17, 2023

Respectfully submitted,

GLENN YOUNGKIN
KAY COLES JAMES
JOHN O'BANNON
ROSALYN R. DANCE
GEORGIA ALVIS-LONG
DONALD W. MERRICKS
MATTHEW WEINSTEIN
SUSAN BEALS
TAYLOR YOWELL
SHANNON WILLIAMS

By: /s/ Andrew N. Ferguson
Andrew N. Ferguson (VSB #86583)
Solicitor General

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Coles James, John O'Bannon, Rosalyn R.
Dance, Georgia Alvis-Long, Donald W.
Merricks, Matthew Weinstein, Susan Beals,
Taylor Yowell, and Shannon Williams*

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on August 17, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all parties of record.

/s/ Andrew N. Ferguson
Andrew N. Ferguson (VSB #86583)
Solicitor General